

## **REMARKS**

The claims have been rewritten to clarify that the head-and-face cover or ski mask is attached to the hood inside the hood.

Referring to the Examiner's claim rejections in the Office Action of March 21, 2005 (First Office Action), the Examiner rejected claim 1 as being unpatentable over Way (US 6,665,878), arguing that it is a mere matter of design choice whether the head-and-face cover was attached to the hood or the garment body portion. The Examiner also rejected the original claim 6 as being unpatentable over Way (US 6,665,878) in view of Duyn (US 6,370,692). In anticipation that similar claim rejections may be applied to the claims as amended herein, Applicant will address these rejections from the First Office Action.

### **Design Choice**

The attachment of the head-and-face cover to the hood inside the hood is not an arbitrary design choice over the embodiment with the head-and-face cover attached to the garment body portion. When the head-and-face cover is attached to the garment body portion and stuffed in a pocket, the head-and-face cover creates a lump on the front or back of the garment body portion. This lump can cause discomfort to the wearer of the garment, particularly when the lump is on the back and the wearer is sitting down and leaning back against a chair back or other vertical surface. When the lump formed by the head-and-face cover is present in a hood of the garment, the position of the lump is more controllable because, to sit down, the wearer may simply manually grab the hood, slightly raise the hood (which pivots from around the collar), lean back and then release

his grip on the hood. Where the pocket is attached to a body portion of the garment, the position of the lump is fixed and more likely to cause discomfort to the wearer.

Another reason that the attachment of the head-and-face cover to the hood is not an arbitrary design choice is that the hood itself provides a layer of underneath protection against the head-and-face cover getting wet from blowing snow or snow that has been “kicked up” in skiing activity. It is very desirable to keep the head-and-face cover from getting wet because a wet head-and-face cover may be very uncomfortable for the wearer in cold weather. This protection that the hood provides to the head-and-face cover exists whether the head-and-face cover is (1) tucked into a pocket inside the hood or (2) left dangling inside the hood.

When the hood is water impermeable, as in claims 28 and 36, there is even further protection against getting the head-and-face cover wet, because moisture is even less likely to reach the head-and-face cover by passing through the hood.

Thus, the attachment of the head-and-face cover to the hood is not a mere matter of arbitrary design choice.

#### **Rejection of Previous Claims over Way in View of Duyn**

Way discloses a jacket with an attached head sock and a storage pocket disposed on the liner of the jacket. Duyn discloses a jacket with a hood, a portion of which is separable and convertible to a carrying bag for storing and carrying the jacket.

Nothing in Duyn suggests that the removable, carrying bag should be used for storing attached articles of clothing that may be quickly and easily removed or deployed, such as an attached head-and-face cover. On the contrary, the carrying bag of Duyn must be completely detached from the hood to be used and then the entire jacket removed from

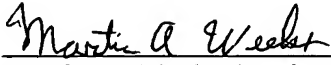
the wearer to store the jacket in the carrying bag. Thus, there is no motivation to combine the jacket and attached head sock of Way with the carrying bag stored in a jacket hood of Duyn. No reasonable combination of the jacket and head sock of Way with the carrying bag of Duyn renders obvious the garment with attached head-and-face cover of claims 21-36.

Additionally, in claims 26, 30 and 35, the pocket has an open top for receiving the head-and-face cover. For the carrying bag of Duyn, there is no open top for the removable carrying bag because the carrying bag is completely removed for use.

Thus, any reasonable combination of the jacket and head sock Way with the carrying bag of Duyn would not render the presently claimed invention obvious to a person of ordinary skill in the art.

For these reasons, the Applicant believes that the claims are now in condition for allowance and urges that the claims be allowed. If the Examiner has any questions about any aspect of the present application, she may call the applicant's attorney at the below listed telephone number.

Respectfully submitted.

  
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